

REMARKS

The Examiner is thanked for the courtesies extended to Applicants' undersigned attorney during the February 7, 2005 telephone interview. The above-identified amendments were discussed in view of the following remarks. Reconsideration of this application and the rejection of claims 1-4, 6-8, 10, 12-15 and 20-22 are respectfully requested. Applicants have attempted to address every objection and ground for rejection in the Office Action dated October 8, 2004 (Paper No. 20040929) and believe the application is now in condition for allowance. The claims have been amended to more clearly describe the present invention.

Applicants recognize the Examiner's designation of the withdrawal of claims 5, 9, 11 and 16-19. However, as amended, independent claims 1, 21 and 22 are considered generic, and are submitted to be in allowable form. As such, the species requirement is respectfully submitted to be moot.

Claims 1-4, 8, 10, 12, 13, 15, 21 and 22 stand rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 3,827,016 to Knapp. Knapp discloses a mixing valve in which water passing through each of the hot and cold inlets 6 and 7 pass through a respective opening 8, 9 into separate chambers within a cavity 10 of the body 1. From the chambers the separated flows of hot and cold water each migrate individually into a mixing chamber.

Claim 1 recites, among other things, features of claim 3, which the Examiner has indicated overcomes the rejection based on Knapp. In addition, claims 21 and 22 have been amended to recite, among other things, that each said multi-stage plenum chamber has an outer chamber communicating with one of the inlets, an inner chamber associated with porting of the valve means, and at least one opening for water to enter the inner chamber axially spaced from the porting. In view of the failure, of Knapp, to disclose or suggest such structure, the rejection based on Knapp is respectfully traversed.

Claims 6 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Knapp. The Examiner acknowledges the lack in Knapp of the recitation of the shape of the opening 21 and the dimensions of the mixing chamber. However, claims 6 and 14 depend, directly or indirectly from claim 1, which is submitted to be allowable over Knapp. Accordingly, the rejection of claims 6 and 14 is respectfully traversed.

Claim 20 stands rejected under 35 U.S.C. §103(a) as being unpatentable over a combination of Knapp and US Patent No. 6,454,175 to Lorch. The arguments asserted above traversing Knapp are reasserted here. Lorch is cited for teaching a mixing valve in the form of a cartridge. However, neither Knapp nor Lorch, whether taken alone or in combination, disclose or suggest the structure recited in claim 1, from which claim 20 ultimately depends. Accordingly, the rejection of claim 20 is respectfully traversed.

In view of the above amendments, the application is respectfully submitted to be in allowable form. Allowance of the rejected claims is respectfully requested. Should the


Appl. No. 10/607,025
Amdt. dated February 15, 2005
Reply to Office Action of October 8, 2004

Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Lawrence J. Crain
Registration No. 31,497

Customer No. 24978

February 15, 2005
Suite 2500
300 S. Wacker Drive
Chicago, Illinois 60606-6501
Telephone: (312) 360-0080
Facsimile: (312) 360-9315